

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

FREDRICK WAYNE HARRIS
LA. DOC #494299

VS.

CIVIL ACTION NO. 16-CV-00565

SECTION P

JUDGE ELIZABETH F. FOOTE

MAURICE HICKS

MAGISTRATE JUDGE HAYES

REPORT AND RECOMMENDATION

Pro se plaintiff Fredrick Wayne Harris, proceeding in forma pauperis, filed the instant Petitioner for Writ of Mandamus pursuant to 28 U.S.C § 1361 on April 26, 2016, having failed to receive a ruling on his Petition for Habeas Corpus filed thirty (30) days prior in the matter *Harris v. Goodwin*, Civil Action No. 16-233. This matter has been referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. §636 and the standing orders of the Court.

On June 22, 2016, the Court in *Harris v. Goodwin*, 16-CV-233, issued an order staying that matter, ordering the petitioner to move the United States Court of Appeal for the Fifth Circuit for an order authorizing the district court to consider his application. Accordingly, the present petition is MOOT.

Therefore,

IT IS RECOMMENDED that the Petition for Writ of Mandamus be **DISMISSED** as **MOOT**.

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have fourteen (14) business days from service of this report and

recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy of any objections or response to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See, Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Chambers, Monroe, Louisiana, June 23, 2016.

A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE